

## Remarks/Arguments

Reconsideration of this application is respectfully requested.

In the office action, the drawings are objected to as apparently not showing certain features. The specification is objected to as failing to provide antecedent basis for certain claims, and claims 3, 4, and 10 are objected to on account of certain noted informalities. Moreover, claims 2, 4 and 8 are rejected under 35 USC 112 as failing to particularly point out and distinctly claim the subject matter that applicant regards as the inventions. Finally, claims 1-5, 7 and 9-11 are rejected under 35 USC 102 as anticipated by DeGarie US Patent 5,324,792. and claims 6, and 8 are rejected under 35 USC 103 as obvious in light of Degarie and Peter US Patent 4, 357,781.

According to the foregoing amendment, claims 3, 4 and 8 have been amended to overcome the noted objections, the substance of claim 2 has been incorporated into claim 1 and the noted indefiniteness to claim 2 has been addressed in amended claim 1, and claim 4 has been amended in light of the rejection over 35 USC 112. Moreover, independent claims 1, 7 and 9 have been amended in light of the rejection of the claims as anticipated by or obvious over the cited references. In addition, reconsideration of the rejection of claim 8 under 35 USC 112 is respectfully requested. It is respectfully submitted the present invention is patentably distinct from the cited references, and the claims presented above define patentable distinctions over the cited references. Finally, regarding the objection to the drawings and the specification, it is respectfully requested that those objections be withdrawn or clarified so that applicant can address them appropriately.

Initially, regarding the objections to the drawings, it is respectfully requested that those objections be withdrawn or if not withdrawn clarified so that applicant can address them appropriately. The objections appear to suggest that the drawings do not show the plurality of components and hardware components of claim 1, the lower ring sections of claim 2, and the ring support members of claim 4, and the objection states they must be shown or cancelled from the claims. Those objections are not understood, since it is respectfully submitted the drawings as filed do in fact show all of the foregoing claimed features. For example, the lower ring sections and the ring support members are clearly shown and described in connection with Figures 1A, 1B, 1C, 3A, 3B and 3C. Moreover, the plurality of components (e.g. upper ring, lower ring, ribs, splices) and hardware components (e.g. nuts, bolts, screws, etc.) of claim 1 are clearly shown in

the figures. Accordingly, it is not seen what is being claimed that is not shown in the drawings. Therefore it is respectfully requested that this ground of objection be reconsidered and withdrawn. If the objection is to be maintained, it is respectfully requested that the objection be clarified so that applicant can respond appropriately to the objection.

Concerning the objection to the specification, as allegedly failing to provide antecedent basis for certain claimed subject matter is not understood, and it is respectfully requested that the objection be withdrawn or clarified. For example, it is believed clear that the splice members are part of the lower ring, and that the hardware components comprise the fasteners, washers, bolts that can be obtained at a hardware store. The lower ring sections are also clearly described, and the rib support members are clearly the members such as angle members that support the ribs on the lower rings. It is not clear what lacks antecedent basis, and therefore it is respectfully requested that this objection be withdrawn. If the objection is maintained, it is respectfully requested that it be clarified, so that applicant can respond appropriately to the objection.

Concerning the objection to claims 3, 4 and 10, those claims have been amended in light of the objection, and it is respectfully submitted that the objections to those claims are not applicable to amended claims 3, 4 and 10.

Concerning the substantive amendments to the claims, it is respectfully submitted that the present invention is fundamentally distinct from the cited references, and is not obvious from the cited references. The claims have been amended above to sharpen the distinction between the claims and the cited references, and to address, as appropriate, the alleged indefiniteness in original claims 2, 4 and 8.

For example, regarding the DeGarie patent that is primarily relied upon, the applicant's invention is designed to produce a dome shaped support structure formed of three (3) primary features; a compression ring (preferably formed of metal), a lower ring (preferably formed of a plurality of metal sections that are spliced together), and ribs that are preferably formed of wood, that are connected with the compression ring and the lower ring. DeGarie, on the other hand, is designed to produce what applicant would call a "donut" shaped clarifier cover, formed essentially of a series of trusses that include the components 64 that are held to be a "compression ring" in the office action. While applicant would respectfully disagree that truss elements 64 of DeGarie form a

compression ring as that term is used in the applicant's disclosure (and as that term would be understood by those in the art), there are several additional aspects of the present invention, that are reflected in the claims above, that patentably distinguish applicant's invention from DeGarie, alone or in combination with other cited references.

Thus, claim 1 has been amended to include the substance of claim 2, that defines the components that form the lower ring section, and also to address the alleged indefiniteness in original claim 2. Specifically, claim 1 has been amended to recite, *inter alia*, that the components that are configured to be assembled into a lower ring compriselower ring sections, each of which includes inner and outer ring parts joined together at predetermined locations, and splice components for use in joining lower ring sections to each other to form a lower ring with inner and outer ring parts. Such a kit is not disclosed in DeGarie or any other cited reference. According to the office action, DeGarie has a "lower ring" 32, but there is no disclosure or suggestion in DeGarie that such a "lower ring" is formed of ring sections of the type recited in claim 1. Moreover, from DeGarie's illustration, the only logical inference is that the element 32, which is described as a "clarifier wall" is not a lower ring, in the sense recited in claim 1, and is clearly NOT formed by the ring sections recited in claim 1. Hence, claim 1 is clearly NOT anticipated by DeGarie, and is not an obvious modification of DeGarie. Hence, claim 1 is patentably distinct from the cited references.

Claims 3-6, which include the foregoing recitations of claim 1, are therefore also patentably distinct from DeGarie, alone or in combination with Peter or any other cited references. Moreover, those claims define additional aspects of the present invention that further distinguish it from the cited references. For example, claim 3 recites, *inter alia*, that the rib mounting flanges are located and configured such that a rib mounting flange can be received by a slot in a rib, and claim 4 recites, *inter alia*, that the compression ring includes rib mounting flanges at predetermined locations on the compression ring, and the ribs having slots, the rib mounting flanges being located and configured such that a slot in the rib can conveniently receive the respective aligned rib mounting flange of the compression ring. There is no disclosure or suggestion in DeGarie of providing a compression ring with rib mounting flanges and ribs with slots such that a

rib mounting flange of the compression ring can be received in a slot of a rib. Clearly, there is no comparable structure in DeGarie or any other cited references. Claim 5 further recites, *inter alia*, that the rib support members comprise angle members fixed to portions of the lower ring sections, and there is no comparable disclosure in DeGarie or the other cited references. Finally, Claim 6 recites, *inter alia*, that the compression ring is formed of metal, the ring sections are formed of metal, and the ribs are formed of wood. In the office action, the Peter reference is relied upon as allegedly rendering such structure obvious, but it is respectfully submitted such structure is not disclosed or suggested by Peter, and there is nothing in Peter or any other cited references that would motivate one of ordinary skill to provide the foregoing structure. Peter at most discloses wood beams anchored to a support by metal hardware. That would NOT provide a suggestion of providing the metal ring structures and wood ribs that are provided by the present invention. Any such suggestion comes from applicant's disclosure, and not the cited references.

Accordingly, for the foregoing reasons, it is respectfully submitted claims 1, 3-6 are not anticipated by or obvious in view of the cited references. Hence, claims 1 and 3-6 are in condition for allowance.

Similarly, claims 7 and 8, which define a dome shaped support structure, according to the principles of the present invention, are not disclosed by or obvious in view of the cited references. Claims 7 and 8 define, *inter alia*, a dome shaped structural system [comprising] consisting essentially of

- a. a compression ring,
- b. a lower ring that is larger than the compression ring and spaced below the compression ring, and
- c. a plurality of ribs formed of wood and connected with the compression ring and the lower ring, the compression ring, lower ring and connected ribs forming a structural system with a dome shaped appearance.

Thus, claims 7 and 8 would **exclude** the extensive truss structure that is central to DeGarie's disclosure, and would require that the dome support structure consist essentially of the 3 principal features claimed, and there is absolutely nothing in DeGarie

or Peter that would motivate someone in the art to provide a dome shaped support structure with those principal features without the benefit of applicant's disclosure. Therefore, Claims 7 and 8 are not disclosed in or obvious from the cited references. Moreover, regarding the alleged indefiniteness in claim 8 from the use of the expression "and/or", it is respectfully requested that the rejection be reconsidered and withdrawn. The claim language recites that the spaces between adjacent ribs are provided so that mechanical, electrical and/or lighting components can be located in those spaces, and, if desired conveniently connected to the ribs. It is not seen what is indefinite about the use of "and/or" in such a context. The language simply recites why the spaces are provided between adjacent ribs, and it is respectfully submitted that such language does not render claim 8 indefinite. Hence it is respectfully submitted that claims 7 and 8 are patentable.

Finally, it is respectfully submitted that claims 9-11 define the present invention in a manner that is patentably distinct from the cited references. Claim 9 has been amended, to recite that applicant's method includes, *inter alia*, providing the lower ring by the steps of splicing together lower ring sections to form the lower ring, and for reasons described above, it is respectfully submitted there is no disclosure or suggestion in DeGarie or any other cited references of splicing together such lower ring sections in the manner recited by Claims 9-11. Moreover, there is no disclosure or suggestion of providing a plurality of ribs formed of wood and configured to extend between the lower ring and the compression ring, and positioning and connecting the ribs with the lower and compression rings in the manner recited. Thus, for those reasons, claims 9-11 are submitted to be patentably distinct from the cited references.

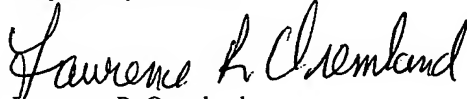
Moreover, claims 10 and 11 further define the applicant's method in a manner that further distinguishes it from the cited references. For example, Claim 10 recites, *inter alia*, that in applicant's method, the compression ring has a plurality of rib mounting flanges, the lower ring has a plurality of rib support members, the ends of the ribs that are configured to be connected with the compression ring have slots, each of which is configured to be received by a respective rib mounting flange, and wherein the step of connecting the ribs with the lower ring and compression ring comprises positioning each rib with the end of the rib that is opposite to the slot resting on a rib support member and

the slot receiving a respective rib mounting flange. Claim 11 even further recites, *inter alia*, that the step of providing the lower ring comprises providing a plurality of lower ring sections, each of which includes inner and outer ring parts joined together at predetermined locations, and joining the lower ring sections together to form the lower ring. For reasons set forth above, these features are not disclosed in or suggested by DeGarie, Peter, or any other cited references. Hence, claim 10 and 11 even further distinguish the invention from the cited references.

Accordingly, for the reasons set forth above, it is respectfully submitted that the present invention, as set forth by, is not disclosed in or obvious from the cited references.

Favorable action is respectfully requested.

Respectfully submitted,



Lawrence R. Oremland  
Reg. No. 27,046  
Attorney for Applicant

Lawrence R. Oremland, P.C.  
5055 East Broadway Blvd., Suite C-214  
Tucson, AZ 85711  
Tel. (520) 747-0999  
Fax. (520) 747-0977  
E-mail: larry@oremland.com